

Customer No. 24498

Serial No.: 09/475,448

RCA 89385



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

Applicant : David Johnston Lynch  
Serial No. : 09/475,448  
Filed : December 30, 1999  
For : RATINGS CONTROL SYSTEM WITH TEMPORARY  
OVERRIDE CAPABILITY AND CONFLICT RESOLUTIONS  
Examiner : Jason J. Chung  
Art Unit : 2623

APPEAL BRIEF

May It Please The Honorable Board:

Appellants appeal the Final Rejection, dated April 19, 2006 of Claims 10-29 of the above-identified application. The fee of five hundred dollars (\$500.00) for filing this Brief and any associated extension fee is to be charged to Deposit Account No. 07-0832. Enclosed is a single copy of this Brief.

Please charge any additional fee or credit any overpayment to the above-identified Deposit Account.

Appellants do not request an oral hearing.

09/11/2006 VPOLITM 00000350 070832 03475448  
TO: BOARD OF PATENT APPEALS AND INTERFERENCES  
ENCLOSURE

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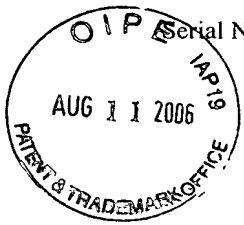
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8/9/06



**I. REAL PARTY IN INTEREST**

The real party in interest of Application Serial No. 09/475,448 is the Assignee of record:

THOMSON Licensing S.A.  
46 quai Alphonse Le Gallo  
F-92100 BOULOGNE BILLANCOURT  
FRANCE

**II. RELATED APPEALS AND INTERFERENCES**

There are currently, and have been, no related Appeals or Interferences regarding Application Serial No. 09/475,448.

**III. STATUS OF THE CLAIMS**

Claims 10 - 29 are rejected and the rejection of claims 10-29 are appealed.

**IV. STATUS OF AMENDMENTS**

All amendments were entered and are reflected in the claims included in Appendix I.

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

Independent claim 10 describes a system including a video signal processor for producing an output signal suitable for coupling to a display device to produce a plurality of images for display to at least one viewer (Page 4, lines 14-19 and Page 5, lines 1-3). A supervisor control system is provided which is operable by a supervisor to create at least one viewer profile identifying images to be blocked from display to at least one viewer (Page 5, lines 7-11). The supervisor control system allows a supervisor to select a specific program having a rating above a set rating for blocking programs applicable to the viewer profile such that the select program is unblocked while the other of the plurality of images

for display are blocked according to the viewer profile (Figure 1; Page 7, lines 6-31). Upon completion of the selected specific program, the supervisor control system identifies images to be blocked according to the at least one viewer profile (Page 6, lines 3-9)

Dependent claim 14 includes the system of claim 10 along with additional features that an override list is formed including a selection of a plurality of programs having a rating above a set rating for blocking programs applicable to the viewer profile by a user and the override list is applicable to at least one corresponding viewer profile such that at least one image to be blocked according to the viewer profile is unblocked and at least one other image not blocked according to the viewer profile is blocked (Figure 1; Page 7, lines 6-31).

Dependent claim 18 includes the system of claims 10 and 14 along with additional features that at least one override list is applicable to a plurality of viewer profiles (Page 5, lines 15-25).

Dependent claim 20 includes the system of claim 10 along with additional features that the control system is operable by the supervisor to create a plurality of override lists applicable to a plurality of viewer profiles (Page 5, lines 15-25).

Dependent claim 23 describes a method for blocking viewing by at least one viewer in a video signal processing system for producing an output signal suitable for coupling to a display device to produce images to be displayed to at least one viewer (Figure 1; Page 4, lines 14-19 and Page 5, lines 1-7). The method creates a viewer profile identifying images to be blocked for a corresponding viewer (Page 5, lines 7-14). The method includes a step of selecting a program having a rating above a set rating for blocking programs to be

applied to the viewer profile so as to allow the corresponding viewer to view the select program (Page 5, lines 15-25). The method also includes steps of monitoring blocking of the other of said images to be displayed according to the viewer profile and monitoring blocking of viewing of all images according to the viewer profile upon completion of said selected program (Figure 1 and Page 7, lines 6-31).

## **VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

Claims 10-17, 19, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collings (U.S. Patent No. 5,828,402) in view of Ford (U.S. Patent No. 6,181,364).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collings (U.S. Patent No. 5,828,402) in view of Ford (U.S. Patent No. 6,181,364) in further view of Sullivan et al. (U.S. Patent Publication No. 2004/0040034).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collings (U.S. Patent No. 5,828,402) in view of Ford (U.S. Patent No. 6,181,364) in further view of West et al. (U.S. Patent No. 5,550,575).

Claims 23-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Collings (U.S. Patent No. 5,828,402).

## **VII. ARGUMENT**

Collings when taken alone or in any combination with Ford, Sullivan and/or West do not make the present claimed invention unpatentable. Thus, reversal of the Final Rejection

(hereinafter termed “rejection”) of claims 10-29 under section 35 U.S.C. § 103(a) and section 35 U.S.C. § 102(b) is respectfully requested.

#### Overview of the Cited References

Collings describes a method and apparatus for blocking the reception of television programming which meets specified criteria. Data packets describing television programming are broadcast with the television signal. The data packets include at least packets which contain category information specifying a level in one or more multi-level categories and/or label information specifying labels applied to the program content of the signal. Data packets in an incoming video signal are detected by a blocking apparatus and compared to preferences stored in non-volatile memory in the blocking apparatus. If the contents of the data packets match or exceed the stored preferences then the video signal is blocked. The apparatus is field configurable. Configuration information specifying the rating scheme is transmitted to the apparatus. The methods of the invention are extremely flexible and allow several different rating systems to be used simultaneously (see Abstract).

Ford describes a system for filtering out potentially objectionable content from a video. The system is preferably implemented with user equipment such as a set-top box, a dedicated stand-alone box, a videocassette recorder, or circuitry in other television equipment. Videos to be filtered have embedded information that identifies potentially objectionable substitution events. The system determines which substitution events are to be filtered out based on selectable ratings settings. If desired, filtered video images may be replaced with blank video images and filtered audio signals may be replaced with silence or a tone. Filtering may also be accomplished by disrupting the event to be filtered (e.g., by garbling the event). Filtering may involve making substitutions of audio or video information. For example, audio information in a substitution event may be replaced by

appropriate audio segments. Video information in a substitution event may be replaced by a video still or by a video clip (see Abstract).

Sullivan describes a system and method for controlling a plurality of parental control subsystems within an entertainment system. The system includes a computer interfaced to a plurality of audio and/or audiovisual devices, wherein at least two of the audio and/or audiovisual devices within the system each comprise a native parental control subsystem or locking mechanism having adjustable parameters. A software locking mechanism operates the computer to allow a user to input one or more general parental control parameters and then sets the adjustable parameters of each native parental control subsystem within the system by mapping the parental control parameters onto each separate, native mechanisms for each device (see Abstract).

West describes a viewer discretion television program control system including devices and methods for controlling access to television viewing, especially by children. It includes a provision for storing suitability ratings for each program receivable by a television set, allocation of personal identification numbers to each of a plurality of potential viewers (e.g., children), and individual allocations of permissible viewing time and program content, all under the control of a local authority such as a parent or guardian (see Abstract).

**Rejection of Claims 10-17, 19, 21 and 22 under 35 USC 103(a)**  
**over Collings (U.S. Patent No. 5,828,402) in view of Ford**  
**(U.S. Patent No. 6,181,364)**

Reversal of the rejection of claims 10-17, 19, 21 and 22 under 35 U.S.C. 103(a) as being unpatentable over of U.S. Patent 5,828,402 issued to Collings in view of U.S. Patent

6,181,364 issued to Ford is respectfully requested because the rejection makes crucial errors in interpreting the cited references. The rejection erroneously states that claims 10-17, 19, 21 and 22 are made unpatentable by Collings in view of Ford.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed.Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion, or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988); *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ 657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986); *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed.Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed.Cir. 1992).

Claims 10-17, 19 and 21-29 are rejected under 35 USC 103(a) as being anticipated by Collings (US Patent No. 5,828,402) in view of Ford (US Patent No. 6,181,364).

#### CLAIMS 10-13, 19 and 21

Independent claim 10 provides a system including a video signal processor for producing an output signal suitable for coupling to a display device to produce a plurality of images for display to at least one viewer. A supervisor control system is provided which is

operable by a supervisor to create at least one viewer profile identifying images to be blocked from display to at least one viewer. The supervisor control system allows a supervisor to select a specific program having a rating above a set rating for blocking programs applicable to the viewer profile such that the select program is unblocked while the other of the plurality of images for display are blocked according to the viewer profile. Upon completion of the selected specific program, the supervisor control system identifies images to be blocked according to the at least one viewer profile.

Specifically, the system of present claimed invention provides a “supervisor control system operable by said supervisor to **select a specific program** having a rating above a set rating for blocking programs applicable to said viewer profile such that said select program is **unblocked**” in claim 10. In contrast, Collings neither discloses nor suggests these features. Collings is directed to providing a user a menu which allows for the enabling, disabling and temporarily disabling one or more of available blocking features (Fig. 5B and Col. 17, lines 1-32). Specifically, Collings describes “In the example menu 90 of FIG. 5B the operation of ‘Channel Block’ has been suspended for one hour. Any channel may be viewed although the incoming video signal 24 may **still be blocked** by an enabled feature of apparatus 20” (Col. 17, lines 27-31). Thus, when a user wishes to view a restricted program the user must enter the main menu and disable all applicable blocking functions to the specific program (Fig. 5B). Essentially, Collings does not disclose or suggest selecting a program such that the selected program is unblocked. Collings describes the selection of blocking preferences to be disabled. Unlike the present claimed invention which selects a program to be unblocked and displayed to the user, Collings merely allows for the user to disable existing restrictions.



Furthermore, the system of present claimed invention provides “said select program is **unblocked** while the other of said plurality of images for display are blocked according to said viewer profile” in claim 10. In contrast, Collings neither discloses nor suggests these features. Collings describes that in order to watch a program which exceeds the set ratings one must enter the menu and either disable or temporarily disable the applicable blocking features to the specific program. Accordingly, if the features were **disabled or temporarily disabled**, then, contrary to the present claimed invention, “the other of said plurality of images for display” will **not** be “blocked according to said viewer profile”. Thus, unlike the present invention as claimed in claim 10, while the specific program is unblocked, other programs which normally would be blocked will also not be blocked in accordance with the **disabled** at least one user profile. Hence, unlike the present claimed invention which selects an individual program to be unblocked without modifying the blocking scheme in accordance with the viewer profile, Collings modifies the entire blocking scheme in order to unblock programs.

Additionally, the system of present claimed invention provides “upon completion of said selected specific program, said supervisor control system identifies images to be blocked according to said at least one viewer profile” in claim 10. In contrast, Collings neither discloses nor suggests these features. As discussed above, Collings describes that in order to watch a program which exceeds the set ratings one must enter the menu and either disable or temporarily disable the applicable blocking features to the specific program. Accordingly, if the features were **disabled**, then the at least one user profile will have been **altered** and upon completion of the program desired programs will continue to be blocked in accordance with the **new altered** at least one user profile. Furthermore, if the features were **temporarily disabled**, then the system would block programs according to the original at least one user profile **only after** the pre-entered disable time length has expired. This is

unlike the present invention which always blocks programs according to the **original** at least one user profile and allows only specifically selected programs to override the profile and be unblocked.

Ford describes a system for filtering out potentially objectionable content from a video. The videos to be filtered contain embedded information that identifies potentially objectionable substitution events. The system determines which substitution events are to be filtered out based on selectable rating settings. Ford is not concerned with selecting a program to be viewed over an at least one viewer profile without changing the at least one viewer profile as in the present claimed invention. Ford, similarly to Collings, neither discloses nor suggests “select[ing] a specific program having a rating above a set rating for blocking programs applicable to said viewer profile such that said select program is unblocked while the other of the plurality of images produced for display are blocked according to said viewer profile” as claimed in claim 10 of present invention. Ford edits programs with embedded substitution events according to the existing user profile.

Additionally, Ford is not concerned with returning to the normal function of the at least one user profile upon completion of the selected program. The substitution of embedded events in Ford is performed in accordance with the user profile and not based on any override commands. Therefore, Ford, similarly to Collings, neither discloses nor suggests “whereby **upon completion of said select program**, said supervisor control system identifies images to be blocked according to said at least one viewer profile” as claimed in claim 10 of present invention.

As neither Collings nor Ford when taken alone or in combination disclose “select[ing] a specific program having a rating above a set rating for blocking programs

applicable to said viewer profile such that said select program is unblocked while all other images produced for display are blocked according to said viewer profile, whereby upon completion of said select program, said supervisor control system continues to control viewing according to the at least one viewer profile” as claim 10 of the present claimed invention, it is respectfully submitted that the present claimed invention is patentable over the combination of Collings and Ford. Consequently, withdrawal of the rejection of claim 10 under 35 USC 103(a) is respectfully requested.

Dependent claims 11-13, 19 and 21 are considered to be patentable based on their dependence on independent claim 10. Therefore, the arguments presented above with respect to claim 1 also applies to claims 11-13, 19 and 21. Consequently, it is respectfully requested that the rejection of claims 11-13, 19 and 21 under 35 USC 103(a) be withdrawn.

#### CLAIMS 14-17 and 22

Dependent claim 14 includes the features of independent claim 10 and therefore is considered patentable for the reasons presented above with respect to claim 10. Claim 14 is also considered patentable due to the additional feature that an override list is formed including a selection of a plurality of programs having a rating above a set rating for blocking programs application to said viewer profile by a user. The override list is applicable to at least one corresponding viewer profile such that at least one image to be blocked according the viewer profile is unblocked and at least one other image not blocked according to the viewer profile is blocked.

Specifically, the system of present claimed invention provides that “said override list is applicable to at least one corresponding viewer profile such that at least one image to be blocked according said viewer profile is unblocked and at least one other image not blocked

according to said viewer profile is blocked” in claim 14. Collings neither discloses nor suggests these features. As previously discussed in connection to claim 10, Colling is directed to providing a user a menu which allows for the enabling, disabling and temporarily disabling one or more of available blocking features (Fig. 5A-I and Col. 17, lines 1-32). Furthermore, Collings describes blocking programs by modifying labels (Fig. 5E) or editing a list of programs to be blocked (Fig. 5H). Thus, Collings is merely concerned with setting up a profile to restrict viewing of certain programs. This is unlike the present claimed invention which includes an override list of a selection of a plurality of programs being blocked according to the viewer profile. Specifically, the override list **overrides** at least one corresponding viewer profile such that “at least one image **to be blocked** according to the viewer profile is **unblocked** and at least one other image **not blocked** according to the view profile is **blocked**”. Consequently, withdrawal of the rejection of claim 14 under 35 USC 103(a) is respectfully requested.

Dependent claims 15-17 and 22 are considered to be patentable based on their dependence on claims 10 and 14. Therefore, the arguments presented above with respect to claims 10 and 14 also apply to claims 15-17 and 22. Consequently, it is respectfully requested that the rejection of claims 15-17 and 22 under 35 USC 103(a) be withdrawn.

**Rejection of Claim 18 under 35 USC 103(a)**  
**over Collings (U.S. Patent No. 5,828,402) in view of Ford in further view of Sullivan**  
**et al. (U.S. Publication No. 2004/0040034)**

Reversal of the rejection of claim 18 under 35 U.S.C. 103(a) as being unpatentable over of U.S. Patent 5,828,402 issued to Collings in view of Ford in further view of U.S. Publication No. 2004/0040034 published to Sullivan et al. is respectfully requested because

the rejection makes crucial errors in interpreting the cited references. The rejection erroneously states that claim 18 is made unpatentable by Collings in view of Ford in further view of Sullivan et al.

### CLAIM 18

Dependent claim 18 includes the features of claims 10 and 14 and therefore is considered patentable for the reasons presented above with respect to claims 10 and 14. Claim 18 is also considered patentable due to the additional feature that at least one override list is applicable to a plurality of viewer profiles.

Sullivan et al. describe a system and method for controlling a plurality of parental control subsystems within an entertainment system. Multiple user profiles may be created and saved in memory. However, Sullivan is not concerned with selecting a program to be viewed over an at least one viewer profile without changing the at least one viewer profile as in the present claimed invention. Thus, Sullivan, similarly to Collings and Ford, neither discloses nor suggests selecting “a specific program having a rating above a set rating for blocking programs applicable to said viewer profile such that said select program is unblocked while all other images produced for display are blocked according to said viewer profile” as claimed in independent claim 10 of present invention.

Additionally, Sullivan is not concern with returning to the normal function of the at least one user profile upon completion of the selected program. Therefore, Sullivan, similarly to Collings and Ford, neither disclose nor suggest “whereby upon completion of said selected specific program, said supervisor control system identifies images to be blocked according to said at least one viewer profile” as claimed in independent claim 10 of present invention.

Furthermore, Sullivan is silent on providing an override list to override the viewability of the programs that are blocked or unblocked according to the viewer profile. While Sullivan describes a method for controlling different user profiles within an entertainment system, Sullivan is not concerned with providing the capability to override a ratings control system as in the presented claimed invention. Specifically, Sullivan, similarly to Collings and Ford, neither disclose nor suggest providing “said override list is applicable to at least one corresponding viewer profile such that at least one image to be blocked according said viewer profile is unblocked and at least one other image not blocked according to said viewer profile is blocked” as claimed in claim 14 of present invention.

As admitted by the Office Action, Collings alone or in combination with Ford fail to disclose or suggest “said at least one override list is applicable to a plurality of viewer profiles” as recited in claim 18 of the present claimed invention. Sullivan et al. describe a method for controlling multiple user profiles in an entertainment system. However, Sullivan is not concerned with an override list that is applicable to viewer profiles. In fact, Sullivan, similarly to Collings and Ford, neither discloses nor suggests “said at least one override list is applicable to a plurality of viewer profiles” as claimed in claim 18 of present invention. Consequently, withdrawal of the rejection of claim 18 under 35 USC 103(a) is respectfully requested.

**Rejection of Claim 20 under 35 USC 103(a)**  
**over Collings (U.S. Patent No. 5,828,402) in view of Ford in further view of West et**  
**al. (U.S. Patent No. 5,550,575)**

Reversal of the rejection of claim 20 under 35 U.S.C. 103(a) as being unpatentable over of U.S. Patent 5,828,402 issued to Collings in view of Ford in further view of U.S. Patent No. 5,550,575 issued to West et al. is respectfully requested because the rejection makes crucial errors in interpreting the cited reference. The rejection erroneously states that claim 20 is made unpatentable by Collings in view of Ford in further view of West et al.

#### CLAIM 20

Dependent claim 20 includes the features of claim 10 and therefore is considered patentable for the reasons presented above with respect to claim 10. Claim 20 is also considered patentable due to the additional feature that the control system is operable by the supervisor to create a plurality of override lists applicable to a plurality of viewer profiles.

West et al. describe a viewer discretion television program control system including devices and methods for controlling access to television viewing. Multiple user allocation of permissible viewings times and program content are under the control of a system supervisor. However, West is not directed towards selecting a program to be viewed over an at least one viewer profile without changing the at least one viewer profile as in the present claimed invention. In fact, West, similarly to Collings and Ford, neither discloses nor suggests selecting a “specific program having a rating above a set rating for blocking programs applicable to said viewer profile such that said select program is unblocked while all other images produced for display are blocked according to said viewer profile” as claimed in independent claim 10 of present invention.

Additionally, West et al. is not concerned with returning to the normal function of the at least one user profile upon completion of the selected program. Therefore, West, similarly to Collings and Ford, neither discloses nor suggests “whereby upon completion of said select program, said supervisor control system identifies images to be blocked according to said at least one viewer profile” as claimed in independent claim 10 of present invention.

The Examiner suggests that West et al. were cited to show multiple profiles for different users as well as overrides for each profile. However, similarly to Collings and Ford, West neither discloses nor suggests selecting a “specific program having a rating above a set rating for blocking programs applicable to said viewer profile such that said select program is unblocked while all other images produced for display are blocked according to said viewer profile, whereby upon completion of said select program, said supervisor control system identifies images to be blocked according to said at least one viewer profile” as in the present claimed invention. West discloses entering exclusion codes for programs or groups of programs. However, West et al. neither disclose nor suggest selection of a specific program as claimed in independent claim 10.

As neither Collings, Ford nor West et al. when taken alone or in combination disclose selecting a “specific program having a rating above a set rating for blocking programs applicable to said viewer profile such that said select program is unblocked while all other images produced for display are blocked according to said viewer profile, whereby upon completion of said select program, said supervisor control system continues to control viewing according to the at least one viewer profile” as claimed in claim 10 of the present claimed invention, it is respectfully submitted that the present claimed invention is patentable over the combination of Collings, Ford and West et al. As claim 20 is dependent



on claim 10 it is respectfully submitted that this claim is allowable for the same reasons as discussed above in regards to claim 10. Consequently, withdrawal of the rejection of claim 20 under 35 USC 103(a) is respectfully requested.

**Rejection of Claims 23-29 under 35 USC 102(b)**  
**anticipated by Collings (U.S. Patent No. 5,828,402)**

Reversal of the rejection of claims 23-29 under 35 U.S.C. 102(b) as being anticipated of U.S. Patent 5,828,402 issued to Collings is respectfully requested because the rejection makes crucial errors in interpreting the cited reference. The rejection erroneously states that claims 23-29 are anticipated by Collings.

**CLAIMS 23-29**

Independent claim 23 describes a method for blocking viewing by at least one viewer in a video signal processing system for producing an output signal suitable for coupling to a display device to produce images to be displayed to at least one viewer. The method creates a viewer profile identifying images to be blocked for a corresponding viewer. The method includes a step of selecting a program having a rating above a set rating for blocking programs to be applied to the viewer profile so as to allow the corresponding viewer to view the select program. The method also includes steps of monitoring blocking of the other of said images to be displayed according to the viewer profile and monitoring blocking of viewing of all images according to the viewer profile upon completion of said selected program.

Specifically, the method of present claimed invention provides “**selecting a program** having a rating above a set rating for blocking programs to be applied to said

viewer profile so as to allow said corresponding viewer to view said select program” in claim 23. Collings neither discloses nor suggests these features. Collings is directed to providing a user a menu which allows for the enabling, disabling and temporarily disabling of one or more of the available blocking features (Fig. 5B and Col. 17, lines 1-32). Specifically, Collings describes “In the example menu 90 of FIG. 5B the operation of ‘Channel Block’ has been suspended for one hour. Any channel may be viewed although the incoming video signal 24 may **still be blocked** by an enabled feature of apparatus 20” (Col. 17, lines 27-31). Thus, when a user wishes to view a restricted program, the user must enter the main menu and disable all applicable blocking functions to the specific program (Fig. 5B). The Examiner is correct in stating that Collings teaches a user disabling a program lock temporarily. When a user disables a program lock, **all of the programs** that are locked according to the program lock are unlocked. No specific program is selected. Furthermore, the programs may still be blocked by at least one of other enabled features. Thus, Collings describes the selection of blocking preferences to be disabled. This is not **selecting a blocked program** to be unblocked and displayed to the user. Collings merely allows for the user to disable existing restrictions applying to a subset or all of the programs. Essentially, Collings does not disclose or suggest selecting a blocked program such that the selected program is allowed to be viewed as in the present claimed invention.

Furthermore, the method of present claimed invention provides “monitoring blocking of the other of said images to be displayed according to the viewer profile” in claim 23. In contrast, Collings neither discloses nor suggests these features. Collings describes that in order to watch a program which exceeds the set ratings one must enter the menu and either disable or temporarily disable the applicable blocking features to the specific program. Accordingly, if the features were **disabled or temporarily disabled**, then the at least one user profile will have been **altered**. Thus, while the specific program is

unblocked, other programs will be blocked in accordance with the **new altered** at least one user profile. Hence, unlike the present claimed invention which selects a blocked program to be viewed without modifying the blocking scheme in accordance with the viewer profile, Collings is concerned with modifying the blocking scheme in order to unblock a specific program.

Additionally, the system of present claimed invention provides “monitoring blocking of viewing of all images according to the viewer profile upon completion of said selected program” in claim 23. In contrast, Collings neither discloses nor suggests these features. As discussed above, Collings describes that in order to watch a program which exceeds the set ratings one must enter the menu and either disable or temporarily disable the applicable blocking features to the specific program. Accordingly, if the features were **disabled**, then the at least one user profile will have been **altered** and, upon completion of the program, desired programs will be blocked in accordance with the **new altered** at least one user profile. Furthermore, if the features were **temporarily disabled**, then the system would block programs according the original at least one user profile **only after** the pre-entered disable time length expires. This is unlike the present invention which blocks programs **upon completion** of the selected program according to the **original** at least one user profile. Consequently, withdrawal of the rejection of claim 23 under 35 USC 102(b) is respectfully requested.

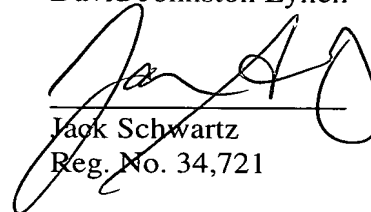
Dependant claims 24-29 are considered to be patentable based on their dependence on independent claim 23. Therefore, the arguments presented above with respect to claim 23 also applies to claims 24-29. Consequently, it is respectfully requested that the rejection of claims 24-29 under 35 USC 102(b) be withdrawn.

## VIII. CONCLUSION

Collings, when taking alone or in combination with either Ford, Sullivan and/or West, neither disclose nor suggest the “supervisor control system operable by said supervisor to select a specific program having a rating above a set rating for blocking programs applicable to said viewer profile such that said select program is unblocked while the other of said plurality of images for display are blocked according to said viewer profile, whereby upon completion of said selected specific program, said supervisor control system identifies images to be blocked according to said at least one viewer profile” as recited in claim 10 of the present claimed invention. Additionally, Collings, when taking alone or in combination with either Ford, Sullivan and/or West, neither disclose nor suggest “selecting a program having a rating above a set rating for blocking programs to be applied to said viewer profile so as to allow said corresponding viewer to view said select program; monitoring blocking of the other of said images to be displayed according to the viewer profile; and monitoring blocking of viewing of all images according to the viewer profile upon completion of said selected program” as recited in claim 23 of the present claimed invention.

Accordingly, it is respectfully submitted that the rejection of Claims 10-29 be reversed.

Respectfully submitted,  
David Johnston Lynch



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**APPENDIX I - APPEALED CLAIMS**

10. (Previously presented) A system comprising:  
a video signal processor for producing an output signal suitable for coupling to a display device to produce a plurality of images for display to at least one viewer;  
a supervisor control system operable by a supervisor to create at least one viewer profile identifying images to be blocked from display to said at least one viewer;  
said supervisor control system operable by said supervisor to select a specific program having a rating above a set rating for blocking programs applicable to said viewer profile such that said select program is unblocked while the other of said plurality of images for display are blocked according to said viewer profile, whereby upon completion of said selected specific program, said supervisor control system identifies images to be blocked according to said at least one viewer profile.

11. (Previously presented) The system according to claim 10 wherein said images correspond to programs and said viewer profile identifies programs to be blocked from display to said at least one viewer.

12. (Previously presented) The system of claim 10 wherein said images correspond to channels and wherein said viewer profile identifies channels to be blocked from display to said at least one viewer.

13. (Previously presented) The system of claim 10 wherein said viewer profile identifies at least one time period during which all images are to be blocked from display to said viewer.

14. (Previously presented) The system of claim 10 wherein an override list is formed including a selection of a plurality of programs having a rating above a set rating for blocking programs applicable to said viewer profile by a user and said override list is applicable to at least one corresponding viewer profile such that at least one image to be blocked according to said viewer profile is unblocked and at least one other image not blocked according to said viewer profile is blocked.

15. (Previously presented) The system of claim 14 wherein said override list is temporarily applied to at least one viewer profile.

16. (Previously presented) The system of claim 14 wherein said override list is applied for a period of time specified by said supervisor.

17. (Previously presented) The system of claim 14 wherein said override list includes at least one override selected from the group comprising: a) at least one channel blocking override, b) at least one time period blocking override, c) at least one rating blocking override, d) at least one program blocking override, e) at least one spending limit override, f) at least one image content blocking override, g) at least one total view time limit override.

18. (Previously presented) The system of claim 14 wherein said at least one override list is applicable to a plurality of viewer profiles.

19. (Previously presented) The system of claim 10 wherein said control system is operable by said supervisor to create a plurality of override lists applicable to said at least one viewer profile.

20. (Previously presented) The system of claim 10 wherein said control system is operable by said supervisor to create a plurality of override lists applicable to a plurality of viewer profiles.

21. (Previously presented) The system of claim 10 wherein said supervisor control system for producing an output signal includes at least one item selected from the group comprising: television receiver, set top box, video cassette recorder tuner.

22. (Previously presented) The system of claim 14 further including means to display to a viewer a blocking status based upon said override list.

23. (Previously presented) In a video signal processing system for producing an output signal suitable for coupling to a display device to produce images to be displayed to

at least one viewer, a method for blocking viewing by at least one viewer comprising the steps of;

creating a viewer profile identifying images to be blocked for a corresponding viewer;

selecting a program having a rating above a set rating for blocking programs to be applied to said viewer profile so as to allow said corresponding viewer to view said select program;

monitoring blocking of the other of said images to be displayed according to the viewer profile; and

monitoring blocking of viewing of all images according to the viewer profile upon completion of said selected program.

24. (Previously presented) The method of claim 23 including the steps of forming an override list upon selection of a plurality of programs and storing said override list in a memory of said system.

25. (Previously presented) The method of claim 24 including a step of specifying a time period for application of said override list to said viewer profile.

26. (Previously presented) The method of claim 24 including a step of applying said override list to said viewer profile at the start of said specified time period and stopping application of said override list to said viewer profile after expiration of said specified time period.

27. (Previously presented) The method according to claim 23 wherein said images comprise programs and said viewer profile identifies programs to be blocked from display to said at least one viewer.

28. (Previously presented) The method of claim 23 wherein said images comprise channels and wherein said viewer profile identifies channels to be blocked from display to said at least one viewer.



29. (Previously presented) The method of claim 23 wherein said viewer profile identifies at least one time period during which all images are to be blocked from display to said viewer.

**APPENDIX II - EVIDENCE**

Applicant does not rely on any additional evidence other than the arguments submitted hereinabove.

**APPENDIX III - RELATED PROCEEDINGS**

Applicant respectfully submits that there are no proceedings related to this appeal in which any decisions were rendered.

**APPENDIX IV - TABLE OF CASES**

1. *In re Howard*, 394 F. 2d 869, 157 USPQ 615, 616 (CCPA 1968)
2. 29 AM. Jur 2D Evidence S. 33 (1994)
3. *In re Ahlert*, 424 F. 2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970)
4. *In re Eynde*, 480 F. 2d 1364, 1370; 178 USPQ 470, 474 (CCPA 1973)
5. *In re Fine*, 5 USPQ 2d 1600, (Fed Cir. 1988)
6. ACS Hospital Systems Inc v. Montefiore Hospital, 221 USPQ 929,933  
(Fed. Cir. 1984)
7. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966)
8. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438  
(Fed.Cir. 1988),\_cert. denied, 488 U.S. 825 (1988)
9. *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ  
657, 664 (Fed.Cir. 1985), cert. denied, 475 U.S. 1017 (1986)
10. *In re Oetiker*, 977 F2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992)

**APPENDIX V - LIST OF REFERENCES**

<b><u>U.S. Patent /</u></b>	<b><u>Issued/ Publication</u></b>	<b><u>102(e) Date</u></b>	<b><u>Inventors</u></b>
<b><u>Publication . No.</u></b>	<b><u>Date</u></b>		
5,828,402	October 27, 1998		Collings
6,181,364	January 30, 2001		Ford
2004/0040034	February 26, 2004		Sullivan et al
5,550,575	August 27, 1996		West et al.

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